REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 2-5, and 8-31 are currently pending. Claims 1, 6, and 7 have been canceled. Claims 8, 17, 23, and 31 are independent. Claims 2-5, 8, 17, and 23 are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §103

Note: The Office Action refers to U.S. Patent No. 5,838,314 to Baji et al. This is an incorrect Patent Number for Baji. Applicants will assume the Office Action intended to cite U.S. Patent No. 5,027,400 to Baji et al.

Claims 1, 3, 4, 17 and 19 were rejected under 35 U.S.C. §103 as allegedly unpatentable over U.S. Patent No. 7,013,477 to Nakamura et al. (hereinafter, merely "Nakamura") in view of U.S. Patent No. 5,838,314 to Baji et al. (hereinafter, merely "Baji"). *See note, above*;

Claims 2 and 18 were rejected under 35 U.S.C. §103 as allegedly unpatentable over Nakamura and Baji and further in view of U.S. Patent Application Publication No. 2002/0019769 of Barritz et al. (hereinafter, merely "Barritz");

Claims 5 and 20 were rejected under 35 U.S.C. §103 as allegedly unpatentable over Nakamura and Baji and further in view of U.S. Patent Application Publication No. 2003/0192060 of Levy;

Claims 6, 7, 21 and 22 were rejected under 35 U.S.C. §103 as allegedly unpatentable over Nakamura and Baji and further in view of U.S. Patent No. 6,285,818 of Suito et al. (hereinafter, merely "Suito");

Claims 8, 9, 13, 23 and 24 were rejected under 35 U.S.C. §103 as allegedly unpatentable over Nakamura in view of U.S. Patent No. 6,973,669 to Daniels;

Claims 10-12 and 25-27 were rejected under 35 U.S.C. §103 as allegedly unpatentable over Nakamura and Daniels and further in view of U.S. Patent No. 6,282,713 to Kitsukawa et al. (hereinafter, merely "Kitsukawa");

Claims 14 and 28 were rejected under 35 U.S.C. §103 as allegedly unpatentable over Nakamura, Daniels and Levy; and

Claims 15, 16, 29 and 30 20 were rejected under 35 U.S.C. §103 as allegedly unpatentable over Nakamura, Daniels and Suito.

Applicants respectfully traverse these rejections.

- CLAIM 8

Independent claim 8 is representative and recites, *inter alia*:

"wherein a still image of a header portion of the commercial broadcast information or text or graphics indicating information relating to the commercial broadcast information is displayed at a predetermined portion on the screen that is separate from the broadcast portion during reproduction of the broadcast portion,
. . .
wherein a commercial broadcast information is reproduced in any desired order by selection from the still image or text or graphics displayed at the predetermined portion on the screen" (emphasis added)

That is, in an aspect of the present invention, a still image relating to the commercial broadcast is displayed on the screen during the reproduction of the broadcast portion (the program, for example). The still images are displayed on the screen in an area separate from where the broadcast portion is reproduced so as not to obscure the broadcast reproduction. Any commercial may be selected from the displayed by selecting one of the still images. The commercials may then be reproduced in any desired order while the program is being reproduced

When the broadcast portion of the broadcast information is reproduced, also reproduced is a still image of the header portions of the commercial broadcasts or text, graphics indicating information relating to the commercial broadcasts (for example, information of the time of the commercial broadcasts) detected from the broadcast information are displayed at a predetermined portion on the screen. For example, in the example of the display screen of the reproduction portion shown in FIG. 7, the still images of the commercial broadcasts I2 are displayed in a line at an upper portion of a usually reproduced broadcast I1 according to the sequence of reproduction. Publ. app. par. [0096] and FIG. 7.

The user can select and watch commercial broadcasts at any point of time and in any sequence, therefore the opportunity for selecting and watching the commercial broadcasts in any desired sequence is given to the user. Publ. app. par. [0111].

The Office Action, at page 10, points to Daniels, col. 17, line 60 to col. 18, line 3, and FIG. 17, for the above recited feature of claim 8.

As understood by applicants, Daniels provides commercials being reproduced along with the reproduction of the television program. A single commercial is running at the same time as the television program. A user may select to pause the television program and watch the commercial. The commercials in Daniels are run sequentially in the order prescribed by the television program and reproduced in an area that obscures a portion of the television program while the program is being reproduced. Daniels, col. 17, line 60 to col. 18, line 3, and FIG. 17.

First, there is no suggestion in Daniels the commercials to be broadcast are displayed as a still image. Second, there is no suggestion in Daniels the commercials are selectable in any desired order from the still images displayed. Third, there is no suggestion in Daniels the still images are displayed in an area of the display so as not to obscure the television program being reproduced.

None of the other references add the element missing from Daniels.

Claim 8 is believed patentable over Nakamura and Daniels because those references taken alone or in combination do not teach or suggest each and every limitation in the claim.

Independent claims 17 and 23 are believed patentable for substantially the same reasons as claim 8.

- CLAIM 31

Independent claim 31 recites, *inter alia*:

"receiving sequential broadcast information having a first sequence of broadcast portions and a second sequence of commercial portions, the commercial portions separating the broadcast portions;
. . .
reproducing the stored broadcast information in a changed sequence by first reproducing all the commercial portions in the second sequence; and
. . .
subsequently reproducing broadcast portions in the first sequence." (emphasis added)

A summary of an aspect of the present invention recited in claim 31 is provided. Broadcast information is received. The broadcast information can be a sequence of information having program content separated by commercials. The broadcast information (program and commercials) is stored as received. That is, the commercials are not stored separately from the program content.

When the broadcast information is reproduced, the broadcast information is reproduced in an altered sequence from that received. Although the broadcast information is stored sequentially as received, when reproduced, the commercials are reproduced first and the program content is reproduced afterwards.

As understood by Applicants, Baji discloses, in relevant part, a broadcast station that broadcasts a program and commercials. Commercials are inserted into the broadcast program according to a subscriber's desire. In Baji, the commercials are stored separately at the broadcast

station. The broadcast station transmits broadcast information (program and commercials) according to a subscriber's desire.

In contrast, claim 31 recites, "receiving sequential broadcast information having a first sequence of broadcast portions and a second sequence of commercial portions, the commercial portions separating the broadcast portions . . . reproducing the stored broadcast information in a changed sequence by first reproducing all the commercial portions in the second sequence . . . subsequently reproducing broadcast portions in the first sequence." As discussed above, the present invention receives broadcast information having program content and commercial information interrupting the commercials. In an aspect of the present invention, the broadcast information is stored as received and, when reproduced, the commercials are selected out from the stored broadcast information for reproduction. Subsequently, the program content is selected for reproduction from the stored broadcast information.

The Office Action, at page 4, points to Baji, col. 3, line 58 to col. 4, line 13; and col. 8, lines 9-10. This is a misinterpretation and a misapplication of the disclosure in Baji.

First, Baji col. 3, line 58 to col. 4, line 13 is describing a broadcast end not a receiver as in the present invention. In Baji, the broadcast end has an advertisement data base and a program data base to insert an advertisement into a program desired by a subscriber. The desired program and advertisements are transmitted to the subscriber in the desired order. Baji, col. 3, lines 42-51. The citation in the Office Action merely describes various ways the advertisements can be inserted into the program for broadcast to the subscriber. Baji, Table I. Thus, Baji is describing a transmitter of the broadcast information and how the commercials are included

therewith. Indeed, the commercials could be included between program segments. However, it remains that Baji is (1) storing video content and commercials separately, and (2) selecting from those data bases to transmit video content and commercials in a particular order. Baji certainly is not receiving broadcast information including broadcast portions separated by commercial portions and then changing the sequence of those portions.

In stark contrast, claim 31 recites, "receiving sequential broadcast information . . . reproducing the stored broadcast information in a changed sequence." This is on the "other end" of the broadcaster of the information, *i.e.*, from Baji. Baji is referring to the manner in which a broadcaster inserts commercials into broadcast information, not how the receiver of the broadcast information handles the received broadcast information.

Second, Baji, col. 8, lines 9-10 does describe insertion of commercials at the subscriber end. However, the Office Action fails to read the subsequent description in Baji at col. 8, lines 17-29. According to Baji, the broadcast end only transmits a commercial associated with the video data before a point of time when the commercial is to be inserted into the video data. "The various video data items are not interrupted due to the commercial insertion and hence can be successive transmitted." (Emphasis added). Col. 8, lines 23-25. Thus, again, Baji is describing how the broadcaster transmits the broadcast information.

In contrast, claim 31 recites, "receiving sequential broadcast information having a first sequence of broadcast portions and a second sequence of commercial portions, the commercial portions separating the broadcast portions." That is, in the present invention, broadcast information are received and include broadcast portions separated by commercial portions. This

is distinguishable from Baji (second embodiment at col. 8) wherein the video data items are not separated by the commercials.

Note, also, Baji at col. 8 lines 30-48 describes a receiver that stores the commercials and the video data separately. Whereas, in the present invention, the commercials are interrupting the program content and are stored together in sequence as received, that is, along with the program content.

For at least the above reason, Baji does not disclose the elements as asserted in the Office Action.

Nakamura does not add the element missing from Baji.

Claim 31 is believed patentable over Nakamura and Baji because those references taken alone or in combination do not teach or suggest each and every element recited in the claim.

CONCLUSION

Claims 2-5, and 8-31 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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